

CITY OF SAN JOSÉ, CALIFORNIA
 Department of Planning, Building and Code Enforcement
 801 North First Street, Room 400
 San José, California 95110-1795

Hearing Date/Agenda Number
 H.L.C. 11/6/02 Item 6.c.

File Number
 PDA98-063-02

Application Type
 Planned Development Permit Amendment

Council District SNI
 7 Washington

Planning Area
 Central

Assessor's Parcel Number(s)
 434-25-033

STAFF REPORT

PROJECT DESCRIPTION

Completed by: *Anastazia Aziz*

Location: East side of Almaden Expressway, approximately 500 feet southerly of Alma Avenue

Gross Acreage: 7.0 Net Acreage: 7.0 Net Density: n/a

Existing Zoning: **A(PD) Planned Development** Existing Use: **Multi-family attached residential**

Proposed Zoning: **No change** Proposed Use: **Multi-family attached residential**

GENERAL PLAN

Completed by: *AA*

Land Use/Transportation Diagram Designation
High Density Residential (25-40 Dwelling Units/Acre)

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: *AA*

North: **Attached Residential** **A(PD) Planned Development**

East: **Attached Residential** **A(PD) Planned Development**

South: **Attached Residential** **A(PD) Planned Development**

West: **Attached Residential** **A(PD) Planned Development**

ENVIRONMENTAL STATUS

Completed by: *AA*

Environmental Impact Report found complete
 Negative Declaration circulated on
 Negative Declaration adopted on February 5, 1998

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: *AA*

Annexation Title: **Cottage Grove No. 4A**

Date: **May 18, 1955**

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date _____

Approved by: _____
 Action
 Recommendation

OWNER / DEVELOPER

MP Italian Gardens Associates, L.P.
Andrea Papanastassiou, Project Manager
658 Bair Island Road, Suite 300
Redwood City, CA 94063

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: AA

Department of Public Works

None

Other Departments and Agencies

None.

GENERAL CORRESPONDENCE

None

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

In early 2001, the City Attorney's office began pursuit of the permit violations of PDA98-09-063. On November 15, 2001 a settlement agreement was signed by Mid-Peninsula Housing Coalition and the City of San Jose agreeing to mitigation for the permit violations, including the submission of the revised Planned Development Permit Amendment Plans. On November 15, 2001, the developer submitted revised plans for the Terrace Room building replacement known as Community Building One, proposed changes to the Historic Gardens, a letter with the agreed to and proposed roofing material for the LoCurto House, and plans for the revised Rose Garden. Several trees were also removed without the benefit of permits, although the applicant has not submitted a replanting plan to date.

On December 5, 2001, the Historic Landmarks Commission reviewed a Planned Development Permit (PDA 98-01-063) and a Tree Removal Permit (TR01-01-007) to address the demolition, renovation and restoration of the historic gardens and 24 trees removed without permits. At that time, the Commission also requested to be kept apprised of the historic garden restoration.

On October 11, 2002, Mid Peninsula submitted a Planned Development Permit amendment requesting the removal of one ordinance size date palm located in the historic gardens. Additionally, Mid Peninsula is requesting the removal of one non-ordinance size mock orange tree also located in the historic garden. Staff has also attached conceptual plans for the restoration and renovation of the garden and an update regarding the proposed roofing material for the LoCurto House.

ENVIRONMENTAL REVIEW

A Negative Declaration was adopted on February 5, 1998 which indicated that the project will not have a significant effect on the environment.

ANALYSIS

The issues involved with the subject Planned Development Permit Amendment are conformance with the Planned Development Zoning and the Historic Preservation Permit.

Historic Gardens

The HP permit specifies that the gardens shall be cleaned and rehabilitated for use by residents. The developer will preserve all of the garden area as shown on the plan, except for the grotto on the north side of the Gold Room. The applicant proposes to restore the garden area in conformance with the HP permit with the exception of the two new proposed fences and a concrete seating area that were reviewed and approved by the Landmarks Commission, December 5, 2001.

Plantings

According to a report provided by Bruce Jett Associates, Landscape Architects, the garden area will be subdivided into three restoration/renovations sections: the patio area at the northern end of the gardens is proposed to be restored to the LoCurto Gardens era; the middle section of the gardens to the Hawaiian Gardens era and the southern end of the gardens to the LoCurto/Hawaiian era. The attached proposed garden reconstruction plan illustrates the portions of the gardens proposed for restoration and indicates proposed changes. Additionally, the attached Proposed Planting Plan provides a legend of the type of plants and vegetation found in the garden during both the LoCurto Garden Era and the Hawaiian Gardens era. The applicant proposes to remove all existing shrubs and groundcovers and original shrub plantings are proposed to be replaced in-kind as per the attached letter from Bruce Jett received October 23, 2002. The garden has been neglected for a number of years and was overgrown with volunteer ivy. The ivy was cleared to reveal a small number of stressed shrubs and plants in poor health. Due to the limited number of apparent original plantings and the poor health of these specimens, replacement in kind appears to be the best option.

Trees

The applicant proposes to remove two trees from the historic garden area, one ordinance size date palm approximately 82 inches in circumference (subject to the approval of PDA98-063-02) and one non-ordinance size mock orange. The date palm is growing out of the top of one grotto and is interfering with a coast live oak tree. As the palm continues to grow, it is likely to cause damage to the grotto and will continue to affect the health and growth of the oak tree. The palm is likely a volunteer and was not intentionally planted in the garden.

The mock orange is intruding into one of the ponds and damaging the concrete basin. According to the applicant, the tree appears to be a volunteer. While this tree is proposed for removal mock orange trees will be used as a replacement tree throughout the garden as they appear to be an original tree type.

Given the information provided it appears as though removal of the two trees will not significantly impact the historic significance of the garden area and will aid in the restoration/renovation of the gardens.

Infrastructure

The applicant is consulting with fountain design-build contractors to determine the feasibility and requirements of restoring the ponds and sluices to a fully functional condition. The applicant has stated that they are not pursuing restoration of the waterfalls and water effects from sources atop the Grottos because the work will cause considerable damage to the structures. There are four bridges scattered throughout the garden which are proposed to be preserved. Seismic reinforcement and/or structural repair of the Grottos is not contemplated as

part of the project.

A wrought iron fence, five feet in height, with access gate is proposed along the southern and western edges of the gardens in order to limit unsupervised access to the gardens. A seating wall is also proposed in the garden adjacent to the fence. Both the seating wall and the fence were reviewed and supported by the Landmarks Commission at the December 5, 2001 meeting.

The proposed infrastructure renovation/restoration appears to be in conformance with the approved HP permit and will not diminish the historic significance of the gardens.

LoCurto House

In the original HP permit, the existing asphalt-composition roofing was to remain; however, as part of the settlement agreement, the roof is to be replaced and upgraded to Class "C" cedar shingles. The applicant is working with a roofer, Mr. Tim Flaherty, to determine how Class "C" or equivalent cedar shingles may be applied to the building (see attached October 10, 2002 letter). Mr. Flaherty is currently exploring whether the treated cedar shingles may be steamed and bent to follow the curves of the LoCurto House eaves in the original false thatch style of the roof.

If Mr. Flaherty is unsuccessful in bending the shingles other options may be pursued. An option outlined in the October 10, 2002 letter is to apply for an Alternate Methods and Material exemption and pursue shingling the eaves with plywood sheathing, a 72 lb capsheet fire retardant mineral surface, a layer of Cedar Breather, followed by a layer of curved untreated shingles. Alternatively a fire retardant metal surface may also be explored as opposed to the 72 lb. capsheet. Standard treated shingles would be used over the remainder of the roof.

A third option the applicant may pursue, is to obtain untreated cedar shingles, steam the shingles and bend them appropriately, and treat the bent shingles. Staff understands that untreated cedar shingles may be difficult to obtain, but recommends this option be explored before moving to a less compatible alternative.

Rose Garden

The approved Planned Development Permit illustrated a rose garden planter design to an S-shape with integrated eating wall adjacent to the Terrace Room. The applicant has also added historic roses to the garden adjacent to the LoCurto House, but outside the historic garden area (see attached Planting Plan Sheet No. L-4.B).

RECOMMENDATION

Planning staff recommends that the Historic Landmarks Commission:

1. Recommend that City staff continue to work with the applicant to determine whether Class C cedar shingles for the LoCurto House may be applied, and if not explore roofing options that are Class C equivalent and consistent with the LoCurto House designation as a City Landmark.
2. Find that the removal of the two trees located within the Historic Gardens area will not significantly impact the historic significance of the gardens.
3. Find that the proposed conceptual garden restoration and planting plans are consistent with the approved HP permit.
5. Recommend approval of the Planned Development Permit Amendment to remove one date palm in the

historic gardens to the Director of Planning.

Attachments

- Landscape plans and Context Statement for LoCurto Gardens
- 10-10-02 Letter from Mid Peninsula Housing
- LoCurto House and Garden DPRs
- March 18, 1999 HP permit

c.c. Bruce Jett, Landscape Architects, 155 Filbert Street, Suite 208, Oakland CA, 94607

